

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

**EUGENIO ZAVALA-MENDEZ, #79850-180 §**

**VS. § CIVIL ACTION NO. 5:08cv211**

**KEITH ROY, ET AL. §**

**ORDER OF DISMISSAL**

The above-entitled and numbered civil action was heretofore referred to United States Magistrate Judge Caroline M. Craven, who issued a Report and Recommendation concluding that the complaint should be dismissed. The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and no objections thereto having been timely filed, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the Court. It is accordingly

**ORDERED** that the complaint is **DISMISSED**. The claims against Defendants Virginia Simien and Gloria Smith are **DISMISSED** without prejudice pursuant to Fed. R. Civ. P. 41(b). The claims against Defendant Warden Roy are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915A(b)(1). All motions by either party not previously ruled on are hereby **DENIED**.

**SIGNED this 12th day of May, 2009.**



\_\_\_\_\_  
DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE